

**MINUTES OF THE
NATURAL RESOURCES INTERIM COMMITTEE**

April 13, 2004

TELEPHONE CONFERENCE MEETING

The telephone conference call meeting was called to order at 11:00 a.m. by Cochairman Dell Raybould. Other committee members participating were Cochairman Senator Laird Noh, Senator Don Burtenshaw, Senator John Andreason, Senator Stan Williams, Representative Bert Stevenson, Representative Lawrence Denney, Representative JoAn Wood, and Representative Charles Cuddy. Nonvoting members present were Senator Skip Brandt, Senator Brad Little, Pro Tem Robert Geddes and Speaker Bruce Newcomb. Senator Clint Stennett was absent and excused.

Others participating were Clive Strong, Idaho Attorney General's Office/Natural Resources, Michael Bogert, Legal Counsel, Governor's Office, and legislative staff members Katharine Gerrity and Toni Hobbs.

After opening remarks by Representative Raybould, Senator Noh moved that the committee go into executive session pursuant to the protective order of the court and Section 67-2345(f), Idaho Code, for the purpose of considering and advising its legal representative in pending litigation, specifically that involving pending federal reserved water rights litigation and associated matters. The motion was seconded by Senator Williams. A roll call vote was taken with Senators Noh, Burtenshaw, Andreason, and Williams, and Representatives Raybould, Stevenson, Denney, Wood and Cuddy all voting in favor of moving the meeting into executive session. Legislative staff members left the meeting. The committee then proceeded with the executive session.

Senator Noh moved, and Senator Burtenshaw seconded, that the executive session be dissolved. Legislative staff rejoined the meeting at this time. The committee reconvened and it was noted for the record that during the executive session no final action was taken or final decisions made.

A motion was made by Senator Noh, seconded by Senator Burtenshaw, that based upon the information presented by legal counsel in executive session, the committee endorsed the state proceeding with mediation of the Nez Perce claims. A roll call vote was taken with Senators Noh, Burtenshaw, Andreason, and Williams, and Representatives Raybould, Stevenson, Denney, Wood and Cuddy all voting in favor of the motion.

Senator Andreason left the meeting at this time.

Representative Cuddy noted for the record that he voted in favor of the motion at this time but

reserved the right to vote otherwise if a similar motion is brought before the legislature. He also noted for the record that one of the reasons he believes the state should proceed at this time is for the public to be informed of the material presented to the committee during the executive session.

Senator Brandt requested that the attorney general's office contact Legislative Services when the confidentiality order is lifted so that legislative members are aware of that fact. Clive Strong confirmed that he would contact Legislative Services at that time.

Senator Burtenshaw moved, with a second by Senator Noh, that the meeting be adjourned. All voting in the affirmative, the meeting was adjourned at 1:15 p.m.